

DEPARTMENT OF ADMINISTRATION

STATE PROPERTIES COMMITTEE MEETING MINUTES

TUESDAY, DECEMBER 17, 2013

The meeting of the State Properties Committee was called to order at 10:08 a.m. by Chairman Ronald N. Renaud. Attendance of the members was taken by roll call and the following members made their presence known: Robert K. Griffith representing the Rhode Island Department of Administration; Richard Woolley representing the Rhode Island Department of Attorney General; and Christopher Feisthamel representing the Rhode Island Office of the General Treasurer, Ex-Officio Member. Others in attendance were Kelly Carpenter from the State of Rhode Island Senate Fiscal Office; John Ryan from the Rhode Island Department of Administration; Mary E. Kay, Lisa Primiano, Michelle Sheehan, Richard M. Bianculli, Jr., Daniel Costa and Joseph Dias from the Rhode Island Department of Environmental Management; Christine Brien from the Rhode Island Department of Transportation; Kate Breslin Harden from the Rhode Island Department of Behavioral Healthcare, Developmental Disabilities and Hospitals; and Andrew Teitz from the Town of Tiverton.

A motion was made to approve the minutes from the Special Meeting of the State Properties Committee held on November 25, 2013, by Mr. Griffith and seconded by Mr. Woolley.

ITEM A - Department of Transportation (RIDOT") - A request was made

for approval of and signatures on a Purchase and Sale Agreement, a Deed and a Temporary Use and Access Agreement, by and between the RIDOT and Renaissance Development Corp. in conjunction with the Long-Term Improvements to the Apponoag Circulator Project in the City of Warwick. Item A was deferred at the request of the Department of Transportation.

ITEM B - Department of Transportation - A request was made for an Administrative Transfer of land from the Department of Transportation (the "DOT") to the Department of Environmental Management (the "DEM") conveying approximately 8.4 acres of land located on the easterly side of Tuckerman Avenue at the intersection of Purgatory Road, which immediately overlooks Sachuest Bay in the Town of Middletown. Ms. Brien explained that this matter is simply an interagency transfer of land. Ms. Brien stated that DEM wishes to utilize the property to maintain walking paths and beach access. Ms. Brien presented a site map for the Committee's review. Mr. Griffith questioned whether the DEM has the necessary funds in its budget to provide for the added responsibility of maintaining said walking paths and beach access effectively. Ms. Brien asked that Ms. Kay of DEM be allowed to respond to Mr. Griffith's question. Ms. Kay stated that she personally discussed this item with Larry Mouradjian, Associate Director for Natural Resources, and he was aware of this

transfer and indicated that DEM would be taking on the aforementioned responsibilities. Ms. Primiano added that the DEM has been managing the subject property for years and in fact has been under the impression that at the very least one of the lots was under DEM's jurisdiction; however, within the last six months DEM became aware that all three lots fell under the jurisdiction of DOT. Ms. Primiano indicated that the agencies believe that this transfer simply clarifies the question of which agency shall be responsible for managing these three (3) lots. Ms. Primiano noted that the subject property consists of a parking lot and a grassed area near 2nd Beach; however, it is not a beach front property, but merely the upper portion depicted on the site map presented by Ms. Brien. The adjacent beach is managed and owned by the Town of Middletown and therefore employs any and all lifeguards necessary for the said beach. Mr. Griffith requested that there be some sort of signage erected to differentiate where the DEM's property ends and where the Town's begins. Ms. Primiano assured the Committee that she would address Mr. Griffin's concerns at a meeting between DEM and the Town scheduled for the upcoming Friday. A motion to approve was made by Mr. Woolley and seconded by Mr. Griffith.

Passed Unanimously

ITEM C - Department of Environmental Management ("RIDEM) - A request was made for approval of and signatures on an Easement Agreement, by and between RIDEM and the Town of Narragansett over State land located on Galilee Escape Road in the Town of Narragansett. Ms. Primiano explained that this item involves a

one-year Temporary Easement Agreement with the Town of Narragansett. Ms. Primiano stated that the Town is constructing a storage facility on its own property, but has requested use of some State-owned property for ease of access during construction. The RIDEM has reviewed this request internally and are happy to accommodate the Town's request. The Town will utilize the easement area to store police vehicles and emergency boats. Ms. Primiano stated that the RIDEM believes it is beneficial for the Town to build this storage facility so RIDEM would like to assist as much as possible. A motion to approve was made by Mr. Woolley and seconded by Mr. Griffith.

Passed Unanimously

Chairman Renaud asked the Committee for a motion to hear and consider for approval Item K out of sequence in order to accommodate the schedule of Director A.T. Wall of the Department of Corrections. A motion for approval to hear Item K out of sequence was made by Mr. Woolley and seconded by Mr. Griffith.

Passed Unanimously

ITEM K - Department of Corrections - A request was made for approval to allow the Department of Corrections to initiate lease negotiations with the principals of Emanon Associates, LP for office space located at 40 Fountain Street in the City of Providence. Mr. Ryan explained that the Department of Corrections' Providence Probation and Parole Unit was relocated to premises located at 234 Prairie Avenue in the City of Providence approximately six (6) years ago. Further, Mr. Ryan indicated that in 2008, the Department went

out to bid, but not a single response was received. Mr. Ryan stated that the Department again went out to RFP within the last five (5) to six (6) months and the only respondent was the Urban League of Rhode Island. Mr. Ryan explained that certain developments have occurred since the issuance of the most recent RFP and it has been revealed that the Urban League of Rhode Island is suffering major financial set backs and that the City of Providence is working to rezone the Prairie Avenue property with the intent that the Urban League of Rhode Island will sell the property. Mr. Ryan stated that time is of the essence relative to this particular matter and further, the Department has identified space which would be ideal for the Department of Corrections' Providence Probation and Parole Unit. That premises is located at 40 Fountain Street in the City of Providence. Since the Department had previously gone out for bid with only the Urban League of Rhode Island responding, the Department requests permission to waive a second formal Request for Proposals process and to allow the Department of Corrections to initiate lease negotiations with the principals of Emanon Associates, LP for said office space. Mr. Ryan noted that the premises was formerly occupied by the Office of the General Treasurer prior to their being relocated to 50 Service Avenue in the City of Warwick. The premises located at 40 Fountain Street would only require minor modifications to make it entirely suitable for the Department of Corrections' intended use. Mr. Ryan stated that the space is completely wired for the State's IT needs as the Office of the General Treasurer previously occupied the space; it would simply need to be

connected to an existing computer room located on the second floor of the subject property occupied by Department of Human Services. Mr. Feisthamel asked if the subject premises is located on the first floor of the building. Mr. Ryan indicated that the subject space is located on the first floor of the 40 Fountain Street building. Chairman Renaud stated that the State Properties Committee received correspondence from Director Licht indicating that he in fact supports the Department's request for permission to waive the formal Request for Proposals process in light of the nature and extenuating circumstances involved with securing space for the Department of Corrections' use. Chairman Renaud questioned Mr. Ryan about available parking. Mr. Ryan stated that the landlord has control over the parking garage within a block and a half of the building. Chairman Renaud asked if the Agreement's provision(s) concerning parking would be consistent with the terms and conditions of the previous agreement between the landlord and the Office of the General Treasurer. Mr. Ryan stated that yes the provision in terms of available parking would be the same and identical to all the other tenants in the building at this time. Additionally, Mr. Ryan stated that there is a bus stop directly in front of the building, which assures that all clientele will have the option of utilizing public transportation in order to travel to and from the office. Further, Director Wall stated that if the clientele makes extensive use of public transportation, there is myriad public transportation options available in Kennedy Plaza. Director Wall stated that in addition to all the benefits Mr. Ryan expounded upon, there certainly is several factors which coincide

with the Department's request. First, the Lease for the Prairie Avenue premises has expired. Second, the space had become cramped and proved not to be a suitable location to suit the needs of the Department. Further, the Department of Corrections has hired additional staff to ensure that there are a sufficient number of employees to maintain the level of safety, care and control necessary for the clientele and the resident's of the State of Rhode Island. Mr. Ryan echoed Director Wall's concerns and reiterated that time is of the essence and that the relocation of the Department of Corrections' Providence Parole and Probation Unit must be effected forthwith. Chairman Renaud noted that the Landlord of the 40 Fountain Street space has continuously treated the State of Rhode Island, as a tenant, extremely well and has always been very responsive to any requests or needs of the State as well as being very cost effective. A motion to approve was made by Mr. Woolley and seconded by Mr. Griffith.

Passed Unanimously

ITEM D - Department of Environmental Management ("RIDEM) - A request was made for approval of and signatures on a License Agreement, by and between the RIDEM and DARANA R. Fishing Co., Inc. to utilize a portion of Pier #9, Port of Newport, for the purposes of pumping out commercially landed sea herring. Mr. Costa explained that the Department is before the Committee for approval of a License Agreement which would allow DARANA R. Fishing Co., Inc use of a small portion of Pier #9 consisting of approximately 550 square feet to utilize a very small herring pond. Mr. Costa noted that this is a seasonal fishery in Rhode Island, and totals approximately \$4 million

dollars in landings annually. A motion was made to approve by Mr. Woolley and seconded by Mr. Griffith.

Passed Unanimously

ITEM E - Department of Environmental Management ("RIDEM) - A request was made for approval of and signatures on a Recreation Easement, by and between the Town of Tiverton and the RIDEM over 12,350 square feet of land located at Grinnell's Beach in the Town of Tiverton. Mr. Dias indicated that the item before the Committee today is to grant a \$200,000.00 easement from the Recreation Acquisition Development Bonds to the Town of Tiverton in order to acquire a former gas station which is at a triplex of attractions which include Independence Park, Stone Bridge abutment and Grinnell Beach. Mr. Dias indicated that the gas station is abutting the beach; however, the granting of the easement will allow the Town of Tiverton to take down the old gas station and open up the view shed for tourists plus additional room for the Town to utilize the beach. Mr. Dias indicated that the Department of Transportation is also contributing \$2.5 million dollars toward the development of said triplex in Tiverton. The Town is also putting up the matching share of funds for this acquisition. The Town of Tiverton approached the Department in mid-summer concerning this Recreation Easement and the Department(s) and the Town have been involved in the completion of due diligence. At this time, the Department of Environmental Management respectfully requests the Committee's approval to move forward with the granting of said recreation easement. A motion was made to approve by Mr. Griffith and seconded by Mr. Woolley.

Passed Unanimously

ITEM F - Department of Environmental Management - A request was made for approval of and signatures on a Conservation Easement, by and between the Department of Environmental Management; ("DEM") the Town of North Smithfield (the "Town") and the North Smithfield Land Trust (the "Land Trust") over 40 acres of land located on Eddie Dowling Highway in the Town of North Smithfield. Ms. Primiano explained that the subject property is located in the Town of North Smithfield and consists of slightly over forty (40) acres of land. Ms. Primiano stated that said property was awarded an Open Space Grant in 2011 from DEM. Said grants are fifty (50%) percent / fifty (50%) percent matching grants where the DEM has the community or the Land Trust make up the difference. Since the grant was awarded, the Town has provided title insurance, a survey, a documentation report and a management plan to DEM. The DEM is now requesting to move forward for what the DEM and all other interested parties are hoping for a year end closing; however, additional time may be needed. Upon closing, the land will open up for public access. Hunting will not be allowed on the subject property. A motion for approval was made by Mr. Woolley and seconded by Mr. Griffith.

Passed Unanimously

ITEM G - Department of Environmental Management - A request was made for approval of and signatures on a Deed to Development Rights and an Agreement and Assignment over 42 acres of land located on Payne Road in the Town of New Shoreham. Ms. Sheehan presented a site map of the subject property for the Committee's

review. She indicated that the Purchase and Sale Contract was previously approved by the State Properties Committee in May of 2012, and the Department is just now moving forward with the actual Deed to Development Rights. The purchase price is \$4.1 million dollars and the State's contribution toward the acquisition is \$700,000.00. Ms. Kay wished to add to the record that the subject property has been of great interest to the Department, the Town and Land Trust for the past twenty-five (25) years. This is the last and largest piece of open space land remaining on Block Island and due to the Town of North Shoreham, the Department and the federal government; the Town of New Shoreham has gone from 11% protected to 50% protected. A motion to approve by Mr. Griffith and seconded by Mr. Woolley.

Passed Unanimously

ITEM H - Department of Environmental Management - A request for approval of and signatures on a Warranty Deed for the purchase of 31 acres of land located along Canonchet Road in the Town of Hopkinton, which abuts the Rockville Management Area. Ms. Sheehan stated that this request echoes the Purchase and Sale Contract that was approved by the Committee in October 2013, for the purchase of 31 acres of land located in Hopkinton. Ms. Sheehan noted that said acquisition will connect our Rockville Management Area to other existing conservation land. Said acquisition is fully funded by the U. S. Fish and Wildlife Service and as such hunting will be required. Ms. Sheehan stated that the property will be fully managed by DEM. Ms. Sheehan stated that as there were some last

minute revisions made to the Deed at the request of the title company regarding the Estate, the Department respectfully requests the Warranty Deed be approved and executed by the Committee subject to the afore-mentioned revisions being penned in. Mr. Woolley stated that he has reviewed said changes and that he has no objection to the same. A motion to approve was made by Mr. Woolley and seconded by Mr. Griffith.

Passed Unanimously

ITEM I - Department of Environmental Management - A request for approval of and signatures on Purchase and Sale Contract, for the purchase of the Development Rights over 42.3 acres of land located on Serpentine Road in the Town of Warren. Ms. Sheehan explained that this is an existing working farm that has been in active production for several generations. Ms. Sheehan indicate that the farm does have significant soil resources on the property. Ms. Sheehan indicated that the subject property also abuts some interesting protected land. She indicated that fifty (50%) percent of the purchase price will be funded by the NRCS Farm and Ranchland Protection Program, \$75,000.00 will be contributed by The Nature Conservancy and \$117,500.00 will be contributed by the DEM. A motion to approve was made by Mr. Woolley and seconded by Mr. Griffith.

Passed Unanimously ITEM J - Department of Administration - A request for approval of and signatures on a Condominium Estoppel Certificate executed by the State of Rhode Island for the benefit of RP Providence and Wells Fargo Bank. Mr. Ryan indicated that Mr.

Mitchell was unable to attend today's meeting; however, he asked Mr. Ryan to inform the Committee that he has thoroughly reviewed the Estoppel Certificate and he is satisfied with the form and substance of the same. Mr. Ryan indicated that these estoppel certificates are not at all uncommon. A motion to approve was made by Mr. Griffith and

seconded by Mr. Woolley.

Passed Unanimously

ITEM L - Department of Children, Youth and Families ("DCYF") - A request for approval of a Lease Agreement, by and between Clara Land Company, Inc. and the Department of Children, Youth and Families for the premises located on Pine Street in the City of Providence. Mr. Ryan noted that unfortunately Brian Peterson will not be attending today's meeting due to illness. Mr. Ryan presented an aerial photograph of the subject parking lot and commented on its ideal location for DCYF. Mr. Ryan explained that the Department went out to bid to secure suitable parking for its employees and Clara Land Company, Inc. was undoubtedly the most reasonable and reliable landlord. Recently a small increase in the cost per parking space was negotiated; however, given the lots location and the landlord's diligence in terms of maintenance and snow removal, the Department believes that this arrangement is certainly satisfactory and in the best interest of the State. A motion to approve was made by Mr. Woolley and seconded by Mr. Griffith.

Passed Unanimously

ITEM M - Department of Behavioral Healthcare, Developmental

Disabilities and Hospitals ("BHDDH") A request for approval of and signatures on a Lease Agreement, by and between BHDDH and Perspectives Corporation for the premises located at 126 Willard Avenue in the Town of South Kingstown. Mr. Harden indicated that the subject property has been leased to the Adeline LaPlante Center and had been used as a day program for adults with developmental disabilities for over thirty 30 years. The Committee was informed that Adeline LaPlante Center has essentially sold all of its assets to Perspectives Corporation and Perspectives intends to utilize the dwelling for the same purposes. Ms. Hardin indicated that there is a current lease agreement with Adeline LaPlante Center until 2015; however, under the current circumstances the subject Lease Agreement with Perspectives Corporation would commence in 2013 and remain in full force and effect for the next ten (10) years. Mr. Woolley requested that that BHDDH formerly terminate the current Lease Agreement with Adeline LaPlante Center, prior to entering into the new Lease Agreement with Perspectives. A motion was made to approve, subject to the written termination of the current lease and said mechanism being forwarded to the State Properties Committee by Mr. Woolley and seconded by Mr. Griffith.

Passed Unanimously

The Committee may move to go into Executive Session, pursuant to Rhode Island General Law 42-46-5(a)(5) for the specific purpose of discussion or consideration related to the acquisition or lease of real property for public purpose, or of the disposition of publicly held property wherein advanced public information would be detrimental

to the interest of the public relating to the following item:

A motion to enter into Executive Session was made by Mr. Griffith and seconded by Mr. Woolley.

A roll call vote was taken and the votes were as follows: Mr. Griffith voted "Aye", Mr. Woolley voted "Aye" and Chairman Renaud voted "Aye."

After detailed discussions relating to Executive Session Item E1 concluded, a motion to return to the open session of the State Properties Committee meeting and to seal the Executive Session minutes until such time as said matter is resolved was made by

Mr. Griffith and seconded by Mr. Woolley

Passed Unanimously

Upon returning to open session at 11:05 a.m., the Committee proceeded to vote

relative to Item E1 presented in Executive Session.

ITEM E1 - Department of Behavioral Healthcare, Developmental Disabilities and Hospitals ("BHDDH") - A request was made for conceptual approval to sell property located at 125 Columbus Avenue in the City of Pawtucket. After discussion in Executive Session, a motion was made to grant conceptual approval under the terms and conditions discussed during Executive Session by Mr. Woolley and seconded by Mr. Griffith.

Passed Unanimously

There being no further business to come before the State Properties Committee, the meeting was adjourned at 11:06 a.m. The motion to adjourn was made by Mr. Griffith and seconded by Mr. Woolley.

Passed Unanimously

Holly H. Rhodes, Executive Secretary